

THE HONORABLE JOHN C. COUGHENOUR

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

RYAN DAY,

Plaintiff,

v.

ALASKA BOAT COMPANY, LLC,

Defendant.

IN ADMIRALTY

No. 2:23-cv-00972-JCC

**ANSWER TO FIRST AMENDED
COMPLAINT AND WITHDRAWAL OF
JURY DEMAND**

COMES NOW Defendant Alaska Boat Company, LLC and respond to Plaintiff's
Complaint as follows:

COUNT I

1. Admit.
2. Admit.
3. Admit.
4. Admit that Plaintiff was injured aboard the F/V GREAT PACIFIC on

November 17, 2021 while working with the vessel's gear, but deny all remaining allegations.

{30101-00957303;1}

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COUNT II

5. Defendant incorporates its responses to paragraphs 1-4 above.

6. Deny.

7. Admit.

8. Deny.

9. Deny.

DAMAGES

10. Defendant denies Plaintiff's statement of damages in paragraph 10, including subparagraphs a-i.

Defendant denies Plaintiff's prayer for judgment.

FURTHER AND ADDITIONAL DEFENSES, INCLUDING AFFIRMATIVE

DEFENSES

By way of further answer, including affirmative defenses, Defendant alleges as follows:

1. Plaintiff has failed, in whole or in part, to state a claim or claims upon which relief may be granted.

2. Plaintiff's damages, if any, result from his own actions.

3. Plaintiff's damages, if any, are barred or mitigated pursuant to the doctrine of avoidable consequences.

4. Plaintiff has failed to mitigate his damages.

5. Certain of Plaintiff's asserted difficulties relate to and derive from his own fault.

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6. Plaintiff's claims are barred by the Primary Duty Doctrine.

7. Plaintiff's exclusive remedy against his employer is provided by the US Longshore and Harbor Workers Act.

8. Defendant reserves the right to assert additional affirmative defenses as revealed in discovery.

WHEREFORE, Defendants pray that Plaintiff's Complaint be dismissed with prejudice at his own cost and expense, and for all other general and equitable relief to which defendant may be entitled.

DATED this 30th day of August, 2023.

s/Louis Shields

LOUIS A. SHIELDS, WSBA # 25740

s/Nathan J. Beard

NATHAN J. BEARD, WSBA # 45632

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CERTIFICATE OF SERVICE

I hereby certify that on August 30, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Dennis M. O'Bryan, Esq.
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I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed at Seattle, Washington.

s/Sheila Baskins
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